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Southern District of New York
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

Plaintiff, :

-v.- :

Pratica di Fabricar Scene, e Machine ne' Teatri; :
Ristampata di nouo coll' Aggiunta del Secondo :
Libro, a book by Nicola Sabbatini, printed in :
Ravenna by Pietro de' Paoli, e Gio. Battista :
Giouannelli, 1638 ("Pratica"), located at Martayan :
Lan Rare Books, in New York, New York, :

Defendant-in-rem. :
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STIPULATION AND ORDER

15 Misc. _____

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WHEREAS, the Federal Bureau of Investigations (the "FBI") and the United States Attorney's Office ("USAO") have determined the following facts:

- (a) Between 1995 and 2004, Anders Burius ("Burius"), an employee of the National Library of Sweden stole at least fifty-six rare or one-of-a-kind books from the National Library of Sweden's collection;
- (b) After stealing the books, Burius consigned or sold the books to Ketterer Kunst ("Ketterer"), an auction house in Germany;

- (c) In 2004, Burius confessed to the book thefts and admitted to Swedish law enforcement that he had sold and/or consigned the stolen books to Ketterer under the alias “Carl/Karl Fields”;
- (d) Burius further informed Swedish law enforcement that his contact at Ketterer, an individual named Christoph Calaminus (“Calaminus”), did not check his identity or the provenance of the books, and that all transactions between Burius and Ketterer were conducted in cash;
- (e) Shortly after confessing to the thefts, Burius committed suicide;
- (f) Swedish authorities have received information that thirteen of the stolen books were sold by Ketterer to individuals and/or entities in the United States;
- (g) In or about 2001, Richard Lan, the owner of Martayan Lan Rare Books in New York, New York, purchased for €27,436.23, without knowledge of the theft, at a Ketterer auction, the following book that had been stolen from the National Library of Sweden by Burius: *Pratica di Fabricar Scene, e Machine ne’ Teatri; Ristampata di nouo coll’ Aggiunta del Secondo Libro*, a book by Nicola Sabbatini, printed in Ravenna by Pietro de’ Paoli, e Gio. Battista Giouannelli, 1638 (the “Subject Property”);
- (h) The Subject Property belongs to the National Library of Sweden.

WHEREAS, Richard Lan (“Lan”), the owner of Martayan Lan Rare Books in New York, New York, was advised that the Subject Property was stolen from the National Library of Sweden;

WHEREAS, Lan has denied any knowledge, at the time of purchase and until contacted by the United States, that the Subject Property was stolen;

WHEREAS, Lan is in possession of the Subject Property;

WHEREAS, Lan wishes to have the Subject Property returned to the National Library of Sweden and has agreed to voluntarily relinquish all right, title, and interest he may have in the Subject Property;

WHEREAS, the USAO, the FBI, and Lan have determined that the Subject Property should be returned to the National Library of Sweden;

WHEREAS, Lan consents to voluntarily tender the Subject Property to the FBI, so that the Subject Property may be returned to the National Library of Sweden;

WHEREAS, the USAO has uncovered no evidence of wrongdoing on the part of Lan, or his agents, officers and employees; and

WHEREAS, Lan has cooperated fully with the FBI's investigation and wishes to resolve this matter by providing for the return of the Subject Property to the National Library of Sweden, their rightful owner, through the FBI and the USAO;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned parties, as follows:

1. Lan consents to tender the Subject Property to the FBI, to allow for its return to the National Library of Sweden.
2. The FBI will return the Subject Property to the National Library of Sweden.
3. Lan represents that his company, Martayan Lan Rare Books in New York, New York, is the sole owner of the Subject Property and agrees to hold harmless the United States and any and all of its agents, contractors, and employees (including, without limitation, FBI, the Department of State, and the USAO) from any and all claims, including, without limitation,

third-party claims, in connection with or arising out of the United States' transfer of the Subject Property to the National Library of Sweden.

4. This Stipulation and Order shall in no way be deemed an admission of culpability, liability, or guilt on behalf of Lan or any of his agents, officers or employees, past and present, and the United States stipulates that Lan has cooperated fully to recover the Subject Property for return to its rightful owner.

5. Lan warrants that he has the authority to sign this Stipulation and Order on behalf of Martayan Lan Rare Books in New York, New York.


6. The signature page of this Stipulation and Order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument. Fax, scanned and emailed copies shall be treated as originals.

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7. This Stipulation and Order represents the complete agreement of the parties and cannot be amended without written consent of all the parties to this Stipulation and Order.


Agreed and consented to:

PREET BHARARA
United States Attorney for the
Southern District of New York

By: 
CHRISTINE I. MAGDO
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
Telephone: (212) 637-2297

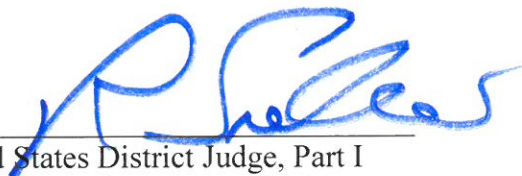
5/15/15
Date

Martayan Lan Rare Books in New York, New York

By: 
RICHARD LAN
70 East 55th Street, 6th Floor
New York, New York 10022

2/20/15
Date

So Ordered:


United States District Judge, Part I
Southern District of New York

6/1/15
Date